

TO: Chief Elected Officials
Steering Committee

FROM: Craig E. Hartzer
Commissioner

DATE: November 27, 2000

SUBJ: DWD Communication 99-14
Change 2: Eligibility Policy for Adult, Dislocated Worker, and Youth
Workforce Development Activities

RE: Workforce Investment Act (WIA) eligibility criteria – all Title IB programs

Purpose

- 1) To provide eligibility criteria for adult, dislocated worker, and youth activities and acceptable documentation (Sections I, II, and III and pages 11-15);
- 2) To provide eligibility requirements for core, intensive, and training services (Sections III - VI); and
- 3) To provide guidance for using residency as a criteria (Section VII).
- 4) To define “. . . cash payments under a federal, state, or local income-based public assistance program” for the applicant.
- 5) To define excludable income when calculating “family income” for the members of the family of the applicant.

Rescission

N/A.

Content

I. Eligibility Criteria for Adults: to be an eligible adult under Title I of the Workforce Investment Act (WIA), an individual must meet the following criteria:

- A. Be 18 years of age or over [20 CFR Part 663.110];
- B. If a male between the ages of 18 to 26, must show compliance with Selective Service legislation by providing documents to demonstrate compliance with Selective Service registration [WIA Section 189(h); 20 CFR Part 667.250] and;
- C. Comply with citizenship and eligibility to work requirements by providing documents necessary to validate the same [WIA Section 188(a)(5)].

II. Eligibility Criteria for Dislocated Workers: to be an eligible dislocated worker under Title I of WIA, in addition to meeting the requirements listed above for eligible adults, an individual must meet any one of the four following categories of eligibility (A through D) [Section 101(9), 20 CFR Part 663.115]:

A. 1. Has been terminated or laid off, or who has received a notice of termination or layoff, from employment; and

2. Is eligible for or has exhausted entitlement to unemployment compensation, or

Has been employed for a duration sufficient to demonstrate, to the appropriate entity at a One-Stop center referred to in Section 134 (c), attachment to the work force, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a State unemployment compensation law; and

3. Is unlikely to return to a previous industry or occupation;

Each WIB will establish a local policy to determine “unlikely to return to a previous industry or occupation.” For example, a local policy may include allowances for declining industries or occupations, or it may take into consideration obsolete individual skills in a demand occupation or industry that could preclude an individual from being competitive or finding reemployment in the current occupation without the upgrading of skills. The determination will be part of the individual’s case management file

[Indiana guidance].

B. 1. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise* ; or

2. Is employed at a facility where the employer has made a general announcement that such facility will close within 180 days*; or

3. For purposes of eligibility to receive services other than training services described in Section 134(d)(4)(A), intensive services described in Section 134(d)(3), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.

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- WIA defines a dislocated worker in a way that permits formula funds to be used for core, intensive and training services for workers: (1) as soon as the person gets a layoff notice; or (2) six months (180 days) prior to layoff if employed at a facility that has made a general announcement that it will close within 180 days [20 CFR Section 101(9)(B)(ii)].

Indiana has defined public announcement of a plant closure as a statement or announcement of closure by an authorized official of the company or employer.

Indiana has defined “substantial layoff” as: any reduction-in-force which is not the result of a plant closing and which results in an employment loss at a single site of employment during any 30 day period for at least 25 employees (excluding employees regularly working less than 20 hours per week) [Indiana guidance]. The definition of “substantial layoff” was lowered from 50 employees down to 25 employees at local request to broaden the number of people eligible to be served. Also, the revised definition now includes individuals working for small companies. This guidance is provided for eligibility purposes only and does not affect how State rapid response will respond to Worker Adjustment and Retraining Notices (WARN) involving 50 or more workers [Indiana guidance]; OR

- C. Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of:
- a. natural disasters; or
 - b. general economic conditions in the community where the individual resides.

The WIB must establish policies to define self-employed individuals who are now unemployed or are in the process of going out of business due to general economic conditions. Self-employed individuals include farmers, ranchers, fishermen, professionals, independent trade people, and other formerly self-employed individuals [Indiana guidance];

Family members (including spouse and adult children), farm or ranch hands of self-employed individuals may also qualify as dislocated workers to the extent that their contributions to the farm, ranch, or enterprises meet the requirements in a policy established by the WIB [Indiana guidance];

In determining “whether a business is likely to go out of business” and “general economic conditions,” a WIB’s policy may take into consideration declining industries, current income compared with previous years’ income as a result in demand for products or other circumstances, bank actions against a business, natural disasters, etc. [Indiana guidance];

Natural disasters may include, but are not limited to, any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, fire, tsunami, earthquake, volcanic eruptions, landslide, mudslide, drought, or explosion [Indiana guidance];

- D. Is a displaced homemaker.
“Displaced homemaker” means an individual who has been providing unpaid services to family members in the home and who [20 CFR Part 663.120, Section 101(10)]:
- a. has been dependent on the income of another family member but is no longer supported by that income; and
 - b. is unemployed or underemployed and is experiencing difficulty upgrading or obtaining employment.

Note: The definition of displaced homemaker includes only those individuals who were dependent on a family member’s income. Those individuals who have been dependent on public assistance may be served in the adult program [20 CFR Part 663.120(c)].

Other factors in determining eligibility for dislocated workers:

Retirement issues: dislocated workers do not include workers who are likely to remain with the layoff employer, or who are likely to retire and leave the labor market. However, a worker who is eligible for retirement benefits due to tenure with an employer but who will remain in the labor force may be eligible. Further, a determination of whether an individual is likely to be recalled will be based upon the best available information from the worker and the employer at the time the layoff notice or closure is received [Indiana guidance].

Look-back period: To establish the previous occupation for people who may have accepted “stop-gap” employment; Indiana will use a look-back period of five years. The predominant occupation during that time or the occupation of initial dislocation may be considered the previous occupation [Indiana guidance].

III. Eligibility Criteria for Youth¹: to be an eligible youth under Title I of WIA, an individual must meet the eligibility criteria listed in A, B, and C or A and D below and the eligibility criteria listed above for Adults in Section I.B. and C.:

- A. Is not less than age 14 and not more than age 21 [WIA Section 101(13)];
- B. Is a “low-income individual”, meaning an individual who:

¹ Please see Attachment 1 for a discussion concerning eligibility criteria for youth. DWD is differentiating “low income applicant” from “low income family.”

1. receives, or is a member of a family that receives, cash payments under a federal, state or local income-based public assistance program;
 2. received an income, or is a member of a family that received a total family income, for the 6-month period prior to application, for the program involved (exclusive of unemployment compensation, child support payments, payments described in 1, and old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 USC 402)) that, in relation to family size, does not exceed the higher of —
 - (a) the poverty line, for an equivalent period; or
 - (b) 70 percent of the lower living standard income level, for an equivalent period; [WIA Section 101(25)];
 3. be a member of a household that receives (or has been determined within the 6-month period prior to application for the program involved to be eligible to receive) food stamps pursuant to the Food Stamp Act of 1977 (7 USC 2011 et seq.) [WIA Section 101(13)];
 4. qualifies as a homeless individual, as defines in subsections (a) and (c) of section 103 of the Stewart B. McKinney Homeless Assistance Act (42 USC 11302) [WIA Section 101(13)];
 5. be a foster child on behalf of whom state or local government payments are made [WIA Section 101(13)]; OR
 6. in cases permitted by regulations promulgated by the Secretary of Labor, is an individual with a disability whose own income meets the requirements of a program described in 1 or 2, but who is a member of a family whose income does not meet such requirements [WIA Section 101(13)]; and
- C. Is an individual who is one or more of the following:
- (1) deficient in basic literacy skills.
 - (2) a school dropout.
 - (3) homeless, a runaway, or a foster child.
 - (4) pregnant or a parent.
 - (5) an offender.
 - (6) an individual who requires additional assistance to complete an educational program, or to secure and hold employment. [WIA Section 101(13)] [DWD guidance – locally defined];
- D. Up to 5% of youth participants served by youth programs in a local area may be individuals who do not meet the income criteria for eligible youth, provided that they are within one or more of the following categories:
- (a) School dropout;
 - (b) Basic skills deficient, meaning, with respect to an individual, that the individual has English reading, writing, or computing skills at or below the 8th grade level on a generally accepted standardized test or a comparable score on a criterion-referenced test. (WIA Section 101(4))

- (c) Are one or more grade levels below the grade level appropriate to the individual's age;
- (d) Pregnant or parenting;
- (e) Possess one or more disabilities, including learning disabilities;
- (f) Homeless or runaway;
- (g) Offender; or
- (h) Face serious barriers to employment as identified by the Local Board.
[WIA Section 129(c)(5).]

State Definitions

- Cash payments under a federal, state, or local income-based public assistance program for the applicant or on behalf of the applicant include (for the 6-month period prior to application):
 - Temporary Assistance for Needy Families (TANF)
 - Refugee Assistance (Refugee Assistance Act of 1980)(PL 97-212)
 - General Assistance (Trustee Assistance) – does not include vouchers issued by the Township Trustee
 - Supplemental Security Income (SSI)
 - Food Stamps
- * - Income of family members of the applicant which may be excluded for the 6-month period prior to application for the program involved that, in relation to family size, does not exceed the higher of:
 - i) the poverty line, for the equivalent period; or
 - ii) 70% of the lower living standard income level, for an equivalent period:
 - Temporary Assistance for Needy Families (TANF)
 - Refugee Assistance (Refugee Assistance Act of 1980)(PL 97-212)
 - General Assistance (Trustee Assistance) – does include vouchers issued by the Township Trustee
 - Financial assistance under Title IV of the Higher Education Act, i.e., Pell Grants, Federal Supplemental Educational Opportunity Grants and Federal Work Study
 - Social Security Disability Income (SSDI)
 - Cash payments received under Title V of the Older American's Act
 - Allowances, earnings and payments made to individuals participating in WIA programs or any other workforce development program for which eligibility is based upon a needs and/or income test
 - HUD rental assistance subsidies
 - Subsidies for child care made on behalf of a family participating in the child care voucher program administered by the Step Ahead Council

- Supplemental Security Income (SSI)
- State and federal Unemployment Insurance compensation
- Old-age and survivors insurance benefits received under section 202 of the Social Security Act (42 USC 402)
- Child support payments
- Food Stamps

* - This is Indiana's definition of "family income" for the purposes of eligibility determinations for "low income" individuals pursuant to III.B.2.

IV. Entry Requirements for Core Services

Core services are universally available to all adults and dislocated workers, except for follow-up.

V. Entry Requirements for Intensive Services

- A. To be eligible for intensive services, employed or unemployed adults or dislocated workers must meet one of the two following eligibility categories

[20 CFR Part 663.220 and review DWD Communication 98-60];

1. Be unemployed, and
 - a. received at least one core service [To receive intensive services, DWD policy requires each adult or dislocated worker receive, at a minimum, an initial assessment] and have been unable to obtain employment through core service(s); and
 - b. determined by the One-Stop operator to be in need of intensive services in order to obtain employment; OR
2. Be currently employed, and
 - a. received at least one core service [To receive intensive services, DWD policy requires each adult or dislocated worker receive, at a minimum, an initial assessment]; and
 - b. determined by the One-Stop operator to be in need of intensive services in order to obtain or retain employment according to the criteria for self-sufficiency determined by the local Workforce Investment Board (WIB). The criteria must, at a minimum, define self-sufficiency as employment that pays at least the lower living standard income level (LLSIL) according to the most recent definition published by the Department of Labor [Section 101(24), 20 CFR Part 663.230]. DWD

encourages workforce service areas to define self-sufficiency at what self-sufficiency really is, not just at the lower living standard income level which is still poverty. Areas must consider their definition of self-sufficiency and any local priority ranking system in determining whom to register. When setting the definition, DWD suggests establishing levels that will help meet the negotiated levels of performance for adults and dislocated workers.

Self-sufficiency for a dislocated worker may be defined differently than for the adult population. It may be defined in relation to a percentage of the layoff wage, [20 CFR Section 663.230] (i.e., replacing the layoff wage or being a reasonable percentage of it), if the layoff wage paid at least the lower living standard income level [Indiana guidance]. This also applies to eligible dislocated workers who found interim employment. They are also considered employed workers [Indiana guidance];

The special needs of individuals with disabilities or other barriers to employment should be taken into account when setting criteria to determine self-sufficiency. [20 CFR Part 663.230] and

- c. meet any additional criteria for intensive services that the local WIBs may adopt.

- B. Additionally, for individuals whose intensive services are provided through the adult funding stream:

Be determined eligible in accordance with the State and local priority system, if any, in effect for adults should funding for intensive services be determined limited by the WIB. If such funding is limited, WIA indicates priority be given to recipients of public assistance and other low-income individuals. The WIB and Governor shall direct the One-Stop operators with regard to making determinations related to such priority. [WIA Section 134(d)(4)(A) and (E). Please review Indiana's One-Stop System Design Basic Principles]. (Indiana's priority system is provided in the State Plan.)

VI. Requirements for Training Services

- A. To be eligible for training services, employed or unemployed adults or dislocated workers must meet all of the following [20 CFR Part 663.310]:

1. Have met the eligibility requirements for intensive and services [To receive training services, DWD policy requires each adult or dislocated worker has developed, at a minimum, an individual service strategy];
 2. Have received at least one intensive service, and have been determined to be unable to obtain or retain employment through such services; and
 3. After an interview, evaluation, or assessment, and case management, have been determined by the One-Stop operator or One-Stop partner (in conjunction with the case manager [Indiana guidance]), to be in need of training services and to have the skills and qualifications to successfully complete the selected training program; and
 4. Select a program of training services that is directly linked to the employment opportunities either in the planning region or in another area to which the individual is willing to relocate; and
 5. Be unable to obtain grant assistance from other sources to pay the costs of such training, including such sources as Welfare-to-Work, State-funded training funds, Trade Adjustment Assistance and federal Pell Grants established under Title IV of the Higher Education Act of 1965, or require WIA assistance in addition to other sources of grant assistance, including federal Pell Grants (provisions relating to fund coordination are found at 20 CFR Part 663.320 and WIA Section 134(d)(4)(B)) [20 CFR Part 663.310]; and
 6. Be prioritized for occupations in demand in the labor market, or in a labor market to which the trainee is willing to move and has a plan for moving. An occupation in demand includes a job for which there is ordinarily limited demand, but the individual has a bona fide job offer contingent upon completion of training. [Please review Indiana's One-Stop System Design Policy Parameters].
- B. Additionally, for individuals whose training services are provided through the adult funding stream:
- Be determined eligible in accordance with the State and local priority system, if any, in effect for adults should funding for training services be determined limited by the WIB. If such funding is limited, WIA indicates priority be given to recipients of public assistance and other low-income individuals. The WIB and Governor shall direct the One-Stop operators with regard to making determinations related to such priority. [WIA Sections 134(d)(4)(A) and (E). Please review Indiana's One-Stop System Design Basic Principles]. (Indiana's priority system is defined in the State Plan.)

VII. Registration and Eligibility Determination

Adults and Dislocated Workers

- A. All adults and dislocated workers receiving services other than self-service or informational activities must be registered and determined eligible. See Section IV. B.2. in the State Plan. This registration information may be collected using any of the following methods:
- a. electronic data transfer; or
 - b. personal interview; or
 - c. individual application [20 CFR Part 663.105(a)(b)].
- B. All information required by federal, state, and local reporting requirements must be collected for each adult or dislocated worker receiving services other than self-service or informational. Local policy may require additional documentation requirements for characteristics, priority, etc. Minimal documentation required includes at least one form of acceptable documentation per applicable eligibility criteria as attached. Another state agency's documentation may be considered acceptable documentation if used to verify the same eligibility criteria as WIA. Additionally, alternative documentation may be acceptable if verified first by the DWD Policy and Planning Unit.
- C. Equal opportunity data must be collected on every adult and/or dislocated worker who is interested in being considered for WIA Title I financially assisted aid, benefits, services, or training by a recipient, and who has signified that interest by submitting personal information in response to a request from the recipient. [20 CFR Part 663.105(c)]
- Equal opportunity data are race/ethnicity, sex, age, and where known, disability status. [20 CFR Part 37.37(2)] Where designation of individuals by race or ethnicity is required, the OMB Guidelines must be used [29 CFR Part 37.38(f)]; i.e., American Indian or Alaskan Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White. There are two categories of ethnicity: Hispanic or Latino and Not Hispanic or Latino.
 - An applicant is considered registered for services upon completion of the application and submittal of personal information. An application that does not contain all the personal information requested from the recipient is considered "incomplete" and thus does not connote the same record retention requirements as a full application.

Please refer to 29 CFR Part 37 for complete information concerning the implementation of the Nondiscrimination and Equal Opportunity Provisions

of WIA. Questions may be addressed to Annette Biesecker, DWD Chief Legal Counsel at 317/232-3268 or Fay Stewart, EEO Officer, at 317/232-7484.)

Youth

D. All youth participants must be registered to participate in the WIA Title I youth program. Registration is the process of collecting information to support a determination of eligibility. [20 CFR Part 664.215]. This registration information may be collected using any of the following methods:

- a. electronic data transfer; or
- b. personal interview; or
- c. individual application. [State guidance];

DWD interprets “collecting information to support a determination of eligibility” to be part of the registration process.

- E. All information required by federal, state, and local reporting requirements must be collected for each youth. Local policy may require additional documentation requirements. Minimal documentation required includes at least one form of acceptable documentation per applicable eligibility criteria as attached. Another state agency’s documentation may be considered acceptable documentation if used to verify the same eligibility criteria as WIA. Additionally, alternative documentation may be acceptable if verified first by the DWD Policy & Planning Unit.
- F. Equal opportunity data must be collected on every youth who is interested in being considered for WIA Title I financially assisted aid, benefits, services, or training by a recipient, and who has signified that interest by submitting personal information in response to a request from the recipient. [20 CFR Part 663.105(c)]
- Equal opportunity data are race/ethnicity, sex, age, and where known, disability status [20 CFR Part 37.37(2)]. Where designation of individuals by race or ethnicity is required, the OMB Guidelines must be used [29 CFR Part 37.38(f)]; i.e., American Indian or Alaskan Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and White. There are two categories of ethnicity: Hispanic or Latino and Not Hispanic or Latino.
 - An applicant is considered registered for services upon completion of the application and submittal of personal information. An application that does not contain all the personal information requested from the recipient is considered “incomplete” and thus does not connote the same record retention requirements as a full application.

Please refer to 29 CFR Part 37 for complete information concerning the implementation of the Nondiscrimination and Equal Opportunity Provisions of WIA. Questions may be addressed to Annette Biesecker, DWW Chief Legal Counsel at 317/232-3268 or Fay Stewart, EO Officer, at 317/232-7484.)

- G. Indiana will accept the same documentation process which the Immigration & Naturalization Service (INS) accepts to complete the Form "I-9" for citizenship/eligibility to work in the United States although local areas are not to use the INS form I-9 to verify citizenship/ability to work in the United States. However, in order to accept the some documentation as accepted by INS, each local area must produce a form which is signed by the applicant and that attests under penalty of perjury that the applicant is who they say they are and that they have a right to work in the United States. In addition, the staff person must attest that they examined the documents presented by the above applicant and that the documents appear to be genuine and relate to the applicant named, and that the applicant, to the best of the staff person's knowledge, is eligible to work in the United States. The staff person must indicate the forms which were examined (although no copies need to be kept.) The list of acceptable documents is the same as for the INS I-9.

Should the individual become employed by the WIB or the enrolling organization (such as in a work experience), the individual must complete an I-9 and a copy kept in the file. Such an I-9 must be completed within three (3) days from the date of hire (3 days before or 3 days after.)

VIII. Residency Criteria for Enrollment

Core services will be universally available to all adults, dislocated workers, and youth regardless of residency.

Adults, dislocated workers, and youth can not be categorically denied enrollment into intensive and training services based on residency. [Indiana guidance] Many of the One-Stop partners do not base eligibility on residency. Additionally, States may require workforce service areas identified as part of a planning region to coordinate so that "services provided through the activities may be provided across the boundaries of local areas within the designated region." [Section 116(c)]. Indiana has adopted this option and areas that share a labor market are required to engage in regional planning.

DWD acknowledges that with dwindling resources available for workforce development activities WIBs and local elected officials may be hesitant to spend dollars on non-residents. **The bottom line is that the needs of customers are met.** Therefore, WIBs may include clients who live within the planning region in their priority ranking system and/or include residency as a ranking within their priority

ranking system, i.e., no points for “out of state;” one point for “out of planning region;” and two points for “within planning region.” WIBs may also have different levels of priority for intensive services versus training services. However, clients living outside the planning region, who are receiving services (other than core) from another One-Stop partner, must receive the same points for residency priority (with other priority factors also being weighed in accordance with local policy) as a resident of the planning region. DWD encourages financial agreements be arranged between workforce service areas (including planning regions) concerning serving non-residents of the workforce service area.

Questions concerning the eligibility of dislocated workers may be addressed to Thom Heeter at 317/232-7461. All other questions concerning this DWD Communication may be addressed to Jennifer Biddle at 317/232-7459.

Beginning Date

November 1, 1999 for adults and dislocated workers. (July 1, 2000 for the revisions contained in this policy.)

April 1, 2000 for youth (retroactive).

Ending Date

June 30, 2004

Action

WIB Directors are to ensure that the local eligibility requirements, eligibility criteria and documentation, and residency criteria correspond with the policy provided in this DWD Communication. Changes to the local workforce plan of service may be necessary.

cc: WIB Chairs

WIB Directors

CEH: JMB/eligibility2.doc

Adult, Youth, and Dislocated Worker Services	
ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
Citizen/Eligible to Work	<ol style="list-style-type: none"> 1. Birth Certificate 2. Alien Registration Card [INS Forms I-151, I-551, and I-94, I-688A, I-197, I-179] 3. U.S. Passport 4. Same documents as accepted by INS to complete the I-9-like form locally designed 5. Public Assistance Records 6. DD-214, Report of Transfer or Discharge (If Place of Birth is Shown) 7. Food Stamp Records 8. Foreign Passport Stamped Eligible to Work 9. Hospital Record of Birth 10. Native American Tribal Document 11. Naturalization Certification 12. Baptismal Record With Place of Birth 13. Department of Correction record which indicates citizenship.
Selective Service	<ol style="list-style-type: none"> 1. Acknowledgement letter 2. Contact the Selective Service at 708/688-6888 or through Web Site 3. DD-214, Report of Transfer or Discharge 4. Local/State Registration Process 5. Selective Service Advisory Opinion Letter 6. Selective Service Registration Card 7. Selective Service Registration Record (Form 3A) 8. Selective Service Verification Form 9. Stamped Post Office Receipt of Registration
Social Security Number	<ol style="list-style-type: none"> 1. DD-214, Report of Transfer or Discharge 2. Unemployment Insurance Wage Records 3. Employment Records 4. IRS Form Letter 1722 5. Letter from Social Services Agency 6. Pay Stub 7. Social Security Benefits 8. Social Security Card 9. W-2 Form 10. Self-Verification
Birth Date/Age (Required only for Adult and Youth)	<ol style="list-style-type: none"> 1. Baptismal Record 2. Birth Certificate 3. DD-214, Report of Transfer or Discharge Paper 4. Driver's License 5. Federal, State or Local government Identification Card 6. Hospital Record of Birth 7. Passport 8. Public Assistance/Social Service Records 9. School Records/Identification Card 10. Work Permit

DISLOCATED WORKER SERVICES	
ELIGIBILITY CRITERIA	ACCEPTABLE DOCUMENTATION
A.1 Has been terminated or laid off, or has received a notice of termination or layoff, from employment; and	1. Documentation from employer, including telephone verification of employment and layoff status 2. Unemployment Insurance Records
A.2. Is eligible for or must have exhausted entitlement to unemployment compensation; or . Has been employed for a sufficient duration to demonstrate attachment to the work force, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that was not covered under a State unemployment compensation law; and	1. Individual Unemployment Insurance Records 2. Profiled Client/Referral Form 3. Pay stubs 4. Letter from company 5. Notice of Ineligibility from Unemployment Insurance (UI) Records 6. W2 records 7. Tax Returns
A.3. Is unlikely that the individual will return to his/her previous industry or occupation.	1. Is determined in local policy (need documentation in the file so indicating)
B.1. Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff at, a plant, facility, or enterprise; or	1. Letter from company (must list client) 2. WARN Notice with recent pay stub 3. Documentation from employer, including telephone verification of employment and layoff status 4. Unemployment Insurance records
B.2. Is employed at a facility at which the employer has made a general announcement that such facility will close within 180 days; or	1. Letter from company 2. Newspaper article with recent pay stub 3. WARN Notice with recent pay stub 4. Documentation from employer, including telephone verification of employment and layoff status 5. Unemployment Insurance records
B. 3. For purposes of eligibility to receive services other than training services described in Section 134(d)(4), intensive services described in Section 134(d)(3), or supportive services, is employed at a facility at which the employer has made a general announcement that such facility will close.	1 Letter from company 2 Newspaper article with recent pay stub 3. WARN Notice with recent pay stub
C. Self Employed Status	1. Records of business closure 2. Tax returns 3. Business license 4. News article on the state of the local economy or natural disaster
D. Displaced Homemaker	1. Tax returns 2. Social Security documents 3. Death notice and/or certificate 4. Divorce decree 5. Public assistance records/UI records 6. Legal Papers Documenting that the Individual Filed for Divorce

Youth Only Services	
Eligibility Criteria	Acceptable Documentation
“deficient in basic literacy skills”	1. Locally defined
“school dropout”	1. Self Verification
“homeless or runaway”	1. Self Verification 2. Written Statement from an Individual providing Temporary Residence 3. Written Statement from Shelter 4. Written Statement from Social Service Agency
“supported foster child”	1. Court Contact 2. Court Documentation 3. Medical Card 4. Verification of Payments made on Behalf of the Child 5. Written Statement from State/Local Agency
“pregnant or a parent”	1. Birth Certificate 2. Hospital Record of Birth 3. Medical Card 4. Physician’s Note 5. Referrals from Official Agencies 6. School Program for Pregnant Teens 7. School Records 8. Self Verification (for pregnancy only) 9. Written Statement from Social Services Agency
“offender”	1. Court Documents 2. Halfway House Resident 3. Letter of Parole 4. Letter from Probation Officer 5. Police Records 6. Self Verification
“. . . requires additional assistance to complete an educational program, or to secure and hold employment”	1. Locally defined
“face serious barriers to employment as identified by the local board *”	1. Locally defined.

* - This is one of the barriers for the five-percent of youth that do not have to meet income eligibility requirements. [WIA Section 129(c)(5)]

Youth Only Services (con't)	
Economic Eligibility	Acceptable Documentation
<p>Cash Public Assistance</p> <p>Note: The listed items of documentation are acceptable for any individual listed on the welfare grant.</p>	<ol style="list-style-type: none"> 1. Copy of Authorization to Receive Cash Public Assistance 2. Copy of Public Assistance check 3. Medical Card showing Cash Grant Status 4. Public Assistance Identification Card showing Cash Grant Status 5. Public Assistance Records/Printout 6. Refugee Assistance Records
<p>Individual/Family Income</p> <p>Note: documentation should be provided for each applicable income source.</p>	<ol style="list-style-type: none"> 1. Alimony Agreement 2. Award Letter from Veterans Administration 3. Bank Statements (Direct Deposit) 4. Compensation award Letter 5. Employer Statement/Contact 6. Farm or Business Financial Records 7. Housing Authority Verification 8. Pay Stubs 9. Pension Statement 10. Public Assistance Records 11. Quarterly Estimated Tax for Self-Employed Persons (Schedule C) 12. Self Verification 13. Social Security Benefits 14. Unemployment Insurance Documents and/or Printout
<p>Individual Status/Family Size</p>	<ol style="list-style-type: none"> 1. Birth Certificate 2. Decree of Court 3. Disabled (See Individuals with Disabilities) 4. Divorce Decree 5. Landlord Statement 6. Lease 7. Marriage Certificate 8. Medical Card 9. Most Recent Tax Return Supported by IRS documents (e.g. Form Letter 1722) 10. Public Assistance/Social Service Agency Records 11. Public Housing Authority (If Resident of or on Waiting List) 12. Self Verification 13. Written Statement from a Publicly Supported 24 Hour Care Facility or Institution (e.g. Mental, Prison)

Youth Only Services (con't)	
Economic Eligibility	Acceptable Documentation
Food Stamps Note: The listed items of documentation are acceptable for any individual listed on the welfare grant.	1. Authorization to Obtain Food Stamps 2. Food Stamp Card with Current Date 3. Food Stamp Receipt 4. Letter from Food Stamp Disbursing Agency 5. Postmarked food Stamp Mailer with Applicable Name and Address 6. Public Assistance Records/Printout
Supported Foster Child	1. Court Contact 2. Court Documentation 3. Medical Card 4. Verification of Payments made on Behalf of the Child 5. Written Statement from State/Local Agency
Homeless	1. Self Verification 2. Written Statement from an Individual Providing Temporary Residence 3. Written Statement from Shelter 4. Written Statement from Social Service Agency
Individuals with Disabilities Note: If an individual declares a disability, any of the listed items may be used.	1. Letter from Drug or Alcohol Rehabilitation Agency 2. Medical Records 3. Observable Condition with Self Verification Physician's Statement 4. Psychiatrist's Diagnosis 5. Rehabilitation Evaluation 6. Sheltered Workshop Certification 7. Social Security Administration Disability Records 8. Social Service Records/Referral 9. Veterans Administration Letter/Records 10. Vocational Rehabilitation Letter 11. Workers Compensation Records

Attachment 1
Eligibility Criteria for Youth

Section 101(25) of WIA defines a low-income individual, in part, as “an individual who receives, or is a member of a family that receives, cash payments under a Federal, state, or local income-based public assistance program. . . .”

Section 101(37) of WIA defines “public assistance” as “Federal, State, or local government cash payments for which eligibility is determined by a needs or income test.”

DOL discussed “public assistance” as it relates to individuals served under the priority provision on page 49344 of the Preamble to the final WIA Regulations. The Preamble says:

“A definition of the term “public assistance” developed by States and local areas that includes the availability of other Federal, State or local government cash payments to an individual based on a needs or income test would be consistent with WIA requirements. The statutory definition of “public assistance” at WIA Section 101(37) contains a two-part test. The program must provide “cash payments” and eligibility for the program must be determined by a “needs or income test.” Under this definition, cash payments, such as SSI, state payments to individuals with a disability, and local general relief payments to homeless individuals would meet both parts of the statutory definition of public assistance.

On the other hand, the statute would not permit a state or local definition that included programs providing benefits that are not cash payments, or programs that are not needs or income-based. For example, SSDI payments are not income tested [See Preamble for further discussion on SSDI and how an individual may still be eligible.]

Medicaid and Medicare benefits are not considered public assistance as defined under WIA. There is no needs or income test to determine an individual’s receipt of Medicare benefits. Medicaid fails the second part of the WIA definition. Under Medicaid, there is no cash payment provided to the individual, rather payments representing reimbursements of medical expenses are paid directly to the medical services provider.” [Please note the similarity in DOL’s interpretation of Medicaid payments to Indiana’s payments by vouchers for things such as child care, Township Trustee assistance, etc.]

DOL provided further clarification concerning “family income” in a May 25, 2000 letter to Commissioner Craig E. Hartzer concerning the Department of Workforce Development’s (DWD) request to waive certain provisions of WIA. DWD requested an exclusion of Social Security Disability Income (SSDI) and work-based learning wages. DOL responded to the State:

“As indicated to the State, there is not a definition of “family income” under WIA as there was under the Job Training Partnership Act. Neither the Act nor regulations define the term “family income” for the purposes of WIA. We are not going to establish such a definition. States will, however, need to establish such a definition for the purposes of eligibility determinations for “low income” individuals in meeting the 70% of the LLSIL. The only qualifier is that the State’s definition must be reasonable and may not exclude wages, that is, income earned where

an employer/employee relationship exists, as defined by the Fair Labor Standards Act (FLSA). The State may develop its own definition, or it may adopt the Department of Health and Human Services (HHS) income guidelines for poverty level as part of its definition. The State may also adopt the family income definition under the JTPA, in whole or in part, if it so chooses. In doing so, these become the State's guidelines, and not Federal guidelines."

Therefore, based on the guidance provided by DOL, DWD defined "cash payments under a Federal, State, or local income-based public assistance program" differently for the applicant versus the applicant's family.

Individual:

Cash payments under a public assistance program for the applicant follows the guidance provided by DOL. The Preamble states each source of funding from a program must pass a two-part test: the program must provide "cash payments" and eligibility for the program must be determined by a "needs or income test."

Family of individual:

DOL permits great latitude to States in defining "cash payments under an income-based public assistance program." DWD adopted the family income definition used for JTPA, in part.